

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

<p><b>SANDRA YVETTE SHARP,</b></p> <p style="text-align: center;"><b>Plaintiff</b></p> <p style="text-align: center;"><b>v.</b></p> <p><b>HARRISBURG HOSPITAL,</b></p> <p style="text-align: center;"><b>Defendant</b></p>	: : : : : : : : : : :	<p><b>CIVIL NO. 1:CV-11-01029</b></p>
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# MEMORANDUM

By order dated June 13, 2011, Plaintiff was directed to file an amended complaint in conformity with the detailed instructions contained in that order. Plaintiff had until July 5, 2011, in which to file the amended complaint. No amended complaint was filed by that date. On July 7, 2011, an order was issued directing Plaintiff to show cause by July 15, 2011, why the captioned case should not be dismissed. No response to that order was received from Plaintiff. On July 18, 2011, this court issued an order dismissing the action pursuant to Federal Rule of Civil Procedure 41(b).

On August 8, 2011, Plaintiff filed a complaint (it is not entitled “amended complaint”) which was docketed to the case above. The new complaint is untimely and does not conform to the requirements set forth in the order of June 13, 2011. In addition, granting Plaintiff leave to file another complaint would not cure the deficiencies. After review of both complaints, it appears Plaintiff is seeking from Defendant records of an unknown decedent. In her relief clause, she seeks damages for “malpractice.”

It is apparent from both pleadings that Plaintiff is not pursuing a civil rights claim but a tort action. Since both parties are Pennsylvania residents, diversity jurisdiction is not met. Thus, this court lacks jurisdiction of this case. An appropriate order will be issued.

s/Sylvia H. Rambo  
United States District Judge

Dated: August 9, 2011.

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<p><b>SANDRA YVETTE SHARP,</b></p> <p style="text-align: center;"><b>Plaintiff</b></p> <p style="text-align: center;"><b>v.</b></p> <p><b>HARRISBURG HOSPITAL,</b></p> <p style="text-align: center;"><b>Defendant</b></p>	: : : : : : : : : : :	<p><b>CIVIL NO. 1:CV-11-01029</b></p>
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## ORDER

Pursuant to the discussion in the accompanying memorandum, the court finds that the August 8, 2011, filing of the amended complaint (doc. 8) does not persuade this court to reinstate the action. **IT IS THEREFORE ORDERED THAT** the order of July 18, 2011 dismissing the captioned action is affirmed.

s/Sylvia H. Rambo  
United States District Judge

Dated: August 9, 2011.